

## CHAPTER 46—MOTOR VEHICLE INFORMATION AND COST SAVINGS

### SUBCHAPTER II—AUTOMOBILE CONSUMER INFORMATION STUDY

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## § 1901. Definitions

### SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-519, § 1, Oct. 25, 1992, 106 Stat. 3364, provided that: "This Act [enacting sections 2026a to 2026c and 2041 to 2044 of this title, sections 2119 and 2322 of Title 18, Crimes and Criminal Procedure, sections 1646b and 1646c of Title 19, Customs Duties, and sections 3750a to 3750d of Title 42, The Public Health and Welfare, amending sections 2021 to 2023, 2025, 2027, and 2034 of this title and sections 553, 981, 982, 2312, and 2313 of Title 18, and enacting provisions set out as notes under sections 2026a, 2026b, and 2041 of this title, section 2119 of Title 16, and section 1646b of Title 19] may be cited as the 'Anti Car Theft Act of 1992.'"

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1950 of this title; title 18 section 511.

### SUBCHAPTER II—AUTOMOBILE CONSUMER INFORMATION STUDY

## § 1950. Labeling requirements for automobiles

### (a) Short title

This section may be cited as the "American Automobile Labeling Act".

### (b) Label requirement

(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be

identified with the words "U.S./Canadian content";

(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

(D) indicating the country of origin of the engine for each passenger motor vehicle; and

(E) indicating the country of origin of the transmission for each passenger motor vehicle;

(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 1232(b) of this title. A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 1232(b) of this title.

### (c) Form and content of label

The form and content of the label required under subsection (b) of this section, and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 1232 of this title, on the label required by section 2006 of this title, or on a readily visible separate label.

### (d) Regulations

The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after October 6, 1992, in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is United States, U.S./Canadian, or foreign and to provide such other information as may be necessary, as de-

terminated by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to rely on such certification and information. The regulations applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this chapter.

(e) Violations and penalties

Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than \$1,000. Such failure with respect to each automobile shall constitute a separate offense.

(f) Definitions

For purposes of this section:

(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(3) The term "passenger motor vehicle" has the meaning provided in section 1901(1) of this title, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term "component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufacturers and labor, may prescribe by rule.

(5) The terms "originated in the United States and Canada", "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, means—

(A) for outside suppliers, the purchase price of automotive equipment which contains at least 70 percent value added in the United States and Canada; and

(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(8) The term "Secretary" means the Secretary of Transportation.

(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(10)(A) The term "value added in the United States and Canada" means a percentage derived as follows:

"Value added" equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(i) Engines of same displacement produced at the same plant.

(ii) Transmissions of the same type produced at the same plant.

(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does not consider any level of decor or opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment

not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

(14) The term "final assembly"<sup>1</sup> point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

(16) The terms "foreign" or "foreign content" mean passenger motor vehicle equipment not determined to be U.S./Canadian origin.

(17) The term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

**(g) Effect on State law**

(1) Whenever a content labeling requirement established under this section is in effect, no State or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.

(Pub. L. 92-513, title II, § 210, as added Pub. L. 102-388, title III, § 355, Oct. 6, 1992, 106 Stat. 1556.)

**SUBCHAPTER IV—ODOMETER REQUIREMENTS**

**§ 1988. Disclosure requirements upon transfer of ownership of motor vehicle**

*[See main edition for text of (a) to (c)]*

**(d) Statement by transferor of mileage disclosure prior to licensing by transferee**

(1) *[See main edition for text of (A) and (B)]*

(C) In the case of a transferor to whom title to a motor vehicle has been issued by any State and such title is, at the time of a transfer of

such motor vehicle, physically held by a lienholder, nothing in this subsection shall be construed to prohibit for purposes of the mileage disclosure requirements of this section the use of a written power of attorney (if otherwise permitted by State law) in a form, and under reasonable conditions, prescribed by rule by the Secretary before February 1, 1989. The rule shall (i) ensure disclosure on the power of attorney document of the actual mileage at the time of the transfer, and (ii) ensure that such mileage will be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (2)(A)(iii). The rule, consistent with the purposes of this chapter and the need to facilitate enforcement thereof, shall prescribe that the form be issued by the State to the transferee in accordance with paragraph (2)(A)(i), shall prescribe that the person granted such power of attorney shall retain a copy of such power of attorney and shall submit the original back to the State with a copy of the title showing the restatement of the mileage, and may prescribe that the State retain the power of attorney and the copy of the title for an appropriate period or that the State adopt alternative measures consistent with the purposes of this subchapter, taking into consideration costs to the State. The rule shall not require that a vehicle be titled in the State in which the power of attorney was issued. The provisions of sections 1990b and 1990c of this title shall apply to any person granting or granted such power of attorney.

*[See main edition for text of (2); (e) to (g)]*

(As amended Pub. L. 101-641, § 7(a), Nov. 28, 1990, 104 Stat. 4657.)

**AMENDMENTS**

1990—Subsec. (d)(1)(C). Pub. L. 101-641, § 7(a), which directed the amendment of subsec. (d)(2)(C) of this section, was executed by amending subsec. (d)(1)(C) of this section to reflect the probable intent of Congress because subsec. (d)(2) of this section does not contain a subpar. (C). The amendment added a new third and fourth sentences to subpar. (C) and struck out former third sentence which read as follows: "The rule, consistent with the purposes of this chapter and the need to facilitate enforcement thereof, shall prescribe that the form be issued by the State to the transferee in accordance with paragraph (2)(A)(i) and shall provide for retention of a copy of such power of attorney and for the original to be submitted back to the State by the person granted such power of attorney."

**EFFECTIVE DATE OF 1990 AMENDMENT**

Section 7(b) of Pub. L. 101-641 provided that: "The amendment made by subsection (a) [amending this section] shall be effective on the date of enactment of this Act [Nov. 28, 1990] and the Secretary of Transportation shall implement the amended section by promulgating a revision of existing regulations within six months after such effective date. Such rule shall consider the need to facilitate normal commercial transactions in the sale or exchange of motor vehicles."

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1986, 2042 of this title.

<sup>1</sup> So in original. The closing quotation marks probably should follow the next word "point".

## § 1990e. Administrative warrants

[See main edition for text of (a)]

## (b) Issuance and execution; inventory of impounded property; filing of papers

Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate judge, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by section 1990d of this title and of impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this subchapter or regulations issued thereunder sufficient to justify administrative inspections of the area, factory, warehouse, establishment, premises, or motor vehicle, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall be issued only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate judge and establishing the grounds for issuing the warrant. If the judge or magistrate judge is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist, he shall issue a warrant identifying the area, factory, warehouse, establishment, premises, or motor vehicle to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall—

[See main edition for text of (A) to (E)]

(F) designate the judge or magistrate judge to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within 10 days of its date unless, upon a showing by the Secretary of a need therefor, the judge or magistrate judge allows additional time in the warrant. If property is impounded pursuant to a warrant, the person executing the warrant shall give the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate judge, upon request, shall deliver a copy of the inventory to the person from whom or

from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

(As amended Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

## CHANGE OF NAME

"United States magistrate judge" and "magistrate judge" substituted for "United States magistrate" and "magistrate", respectively, wherever appearing in subsec. (b) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER V—IMPROVING  
AUTOMOTIVE EFFICIENCY

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1901, 2023 of this title.

## § 2001. Definitions

For purposes of this subchapter:

(1) The term "automobile" means any 4-wheeled vehicle propelled by fuel, or by alternative fuel, which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and

[See main edition for text of (A) and (B)]

The Secretary may prescribe such rules as may be necessary to implement this paragraph.

[See main edition for text of (2) to (14)]

(As amended Pub. L. 102-486, title IV, § 403(1), Oct. 24, 1992, 106 Stat. 2876.)

## AMENDMENTS

1992—Par. (1). Pub. L. 102-486 substituted "alternative fuel" for "alcohol or natural gas".

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2002, 2004, 2006, 2012, 2021, 2041 of this title; title 26 section 4064; title 42 section 6291.

## § 2002. Average fuel economy standards

[See main edition for text of (a) to (d)]

## (e) Determination of maximum feasible average fuel economy

For purposes of this section, in determining maximum feasible average fuel economy, the Secretary shall consider—

[See main edition for text of (1) to (4)]

For purposes of this subsection, the Secretary shall not consider the fuel economy of dedicated automobiles, and the Secretary shall consider dual fueled automobiles to be operated exclusively on gasoline or diesel fuel.

[See main edition for text of (f) to (l)]

(As amended Pub. L. 102-486, title IV, § 403(2), Oct. 24, 1992, 106 Stat. 2876.)

#### AMENDMENTS

1992—Subsec. (e). Pub. L. 102-486, in closing provisions, substituted “dedicated automobiles, and the Secretary shall consider dual fueled automobiles” for “alcohol powered automobiles or natural gas powered automobiles, and the Secretary shall consider dual energy automobiles and natural gas dual energy automobiles”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2003, 2004, 2005, 2007, 2008, 2010, 2013 of this title.

#### § 2006. Labeling

##### (a) Label required on automobile; contents

[See main edition for text of (1) to (3)]

(4)(A) In the case of dedicated automobiles, the fuel economy of such automobiles for purposes of paragraph (1)(A)(i) shall be the fuel economy for such automobiles when operated on alternative fuels, measured under section 2013(a) or (c) of this title, multiplied by 0.15.

(B) In the case of dual fueled automobiles, each label required under paragraph (1) shall—

[See main edition for text of (i)]

(ii) clearly identify such automobile as a dual fueled automobile;

[See main edition for text of (iii) and (iv)]

(b) Booklet containing fuel economy data; distribution by administrator

[See main edition for text of (1) and (2)]

(3)(A) In the case of dual fueled automobiles, additional information shall be contained in the booklet published under paragraph (1) indicating—

(i) the energy efficiency and cost of operation of such automobiles when operated on gasoline or diesel fuel as compared to such automobiles when operated on alternative fuels; and

(ii) the driving range of such automobiles when operated on gasoline or diesel fuel as compared to such automobiles when operated on alternative fuels.

(B) In the case of dual fueled automobiles, the booklet published under paragraph (1) shall also contain—

(i) information regarding the miles per gallon achieved by such automobiles when operated on alternative fuels; and

(ii) a statement of explanation of how the information made available pursuant to this paragraph can be expected to change when such automobile is operated on mixtures of alternative fuels and gasoline or diesel fuel.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 102-486, title IV, § 403(3), (4), Oct. 24, 1992, 106 Stat. 2876.)

#### AMENDMENTS

1992—Subsec. (a)(4). Pub. L. 102-486, § 403(3), in subpar. (A), substituted “In the case of dedicated auto-

mobiles” for “In the case of alcohol powered automobiles or natural gas powered automobiles” and “operated on alternative fuels” for “operated on alcohol or natural gas, as the case may be” and in subpar. (B), substituted “In the case of dual fueled automobiles” for “In the case of dual energy automobiles or natural gas dual energy automobiles” in introductory provisions and “dual fueled automobile” for “dual energy automobile or natural gas dual energy automobile, as the case may be” in cl. (ii).

Subsec. (b)(3). Pub. L. 102-486, § 403(4), in subpar. (A), substituted “dual fueled automobiles” for “dual energy automobiles and natural gas dual energy automobiles” in introductory provisions and “alternative fuels” for “alcohol or natural gas, as the case may be” in cls. (i) and (ii) and in subpar. (B), substituted “dual fueled automobiles” for “dual energy automobiles” in introductory provisions and “alternative fuels” for “alcohol” in cls. (i) and (ii).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1950, 2002, 2003, 2004, 2007, 2009 of this title.

#### § 2013. Manufacturing incentives for automobiles

##### (a) Dedicated automobile

Except as provided in subsection (c) of this section or in section 2003(a)(3) of this title, if a manufacturer manufactures any model type of dedicated automobile, the fuel economy measured for that model type shall be based on the fuel content of the alternative fuel used to operate such automobile. For purposes of this section, a gallon of a liquid alternative fuel used to operate such automobile shall be considered to contain 15 one-hundredths of a gallon of fuel.

##### (b) Dual fueled automobile

Except as provided in subsection (d) of this section or in section 2003(a)(3) of this title, if a manufacturer manufactures any model type of dual fueled automobile, the fuel economy measured for that model type shall be measured by the EPA Administrator by dividing 1.0 by the sum of—

[See main edition for text of (1)]

(2) 0.5 divided by the fuel economy as measured under subsection (a) of this section while operating such model type on alternative fuel.

##### (c) Gaseous fuel dedicated automobile

If a manufacturer manufactures any model type of gaseous fuel dedicated automobile, the fuel economy measured for that model type shall be based on the fuel content of the gaseous fuel used to operate such automobile. For purposes of this section, 100 cubic feet of natural gas shall be considered to contain 0.823 gallons equivalent of natural gas, and a gallon equivalent of natural gas shall be considered to have a fuel content of 15 one-hundredths of a gallon of fuel. For purposes of this section, the Secretary shall determine the appropriate gallons equivalent measurement for gaseous fuels other than natural gas, and a gallon equivalent of such gaseous fuel shall be considered to have a fuel content of 15 one-hundredths of a gallon of fuel.

**(d) Gaseous fuel dual fueled automobile**

If a manufacturer manufactures any model type of gaseous fuel dual fueled automobile, the fuel economy measured for that model type shall be measured by the EPA Administrator by dividing 1.0 by the sum of—

*[See main edition for text of (1)]*

(2) 0.5 divided by the fuel economy as measured under subsection (c) of this section while operating such model type on gaseous fuel.

**(e) Fuel economy calculation**

The EPA Administrator shall calculate, subject to the provisions of this section, the manufacturer's average fuel economy under section 2003(a)(1) and (2) of this title by including as the denominator of the term for each model type of dedicated automobile or dual fueled automobile, the fuel economy measured pursuant to subsections (a) through (d) of this section.

**(f) Applicability**

*[See main edition for text of (1)]*

(2)(A) Not later than September 30, 2000, the Secretary, in consultation with the Secretary of Energy and the EPA Administrator, shall complete and submit to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the results of a study of the success of the policy contained in subsections (b) and (d) of this section, along with preliminary conclusions as to whether the application of such subsections should be extended for up to four additional model years. Such study and conclusions shall be prepared taking into consideration—

(i) the availability to the public of alternative fueled automobiles and alternative fuels;

*[See main edition for text of (ii) to (iv), (B)]*

**(g) Maximum increase**

(1)(A) For each of the model years 1993 through 2004, for each category of automobiles, other than electric automobiles, the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles shall be 1.2 miles per gallon.

(B) If the application of subsections (b) and (d) of this section is extended under subsection (f)(2) of this section, for each category of automobiles, other than electric automobiles, the maximum increase in average fuel economy for a manufacturer for each of the model years 2005 through 2008 attributable to dual fueled automobiles shall be 0.9 miles per gallon.

(C) For purposes of applying subparagraph (A) or (B), the EPA Administrator shall compute the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under subsection (e) of this section the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula in section 2003(a)(1) and (2) of this title by includ-

ing as the denominator for each model type of dual fueled automobile the fuel economy when such automobiles are operated on gasoline or diesel fuel. If the increase attributable to dual fueled automobiles for any model year described in subparagraph (A) is more than 1.2 miles per gallon, the limitation in subparagraph (A) shall apply, and if the increase attributable to such automobiles for any model year described in subparagraph (B) is more than 0.9 miles per gallon, the limitation in subparagraph (B) shall apply.

(2)(A) Notwithstanding any other provision of this section, if the Secretary reduces the average fuel economy standard applicable to passenger automobiles for any model year below 27.5 miles per gallon, any increase in average fuel economy for passenger automobiles of more than 0.7 miles per gallon to which a manufacturer of dual fueled passenger automobiles would otherwise be entitled in that year under this section shall be reduced by an amount equal to the amount of such reduction in the standard, except that such increase shall not be reduced to less than 0.7 miles per gallon.

(B) In carrying out section 2002(a)(4) and (f) of this title, the Secretary shall not consider the fuel economy of dedicated automobiles, and the Secretary shall consider dual fueled automobiles to be operated exclusively on gasoline or diesel fuel.

**(h) Definitions**

(1) For purposes of this subchapter—

(A) the term "alternative fuel" means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;

(B) the term "alternative fueled automobile" means an automobile that—

- (i) is a dedicated automobile; or
- (ii) is a dual fueled automobile;

(C) the term "dedicated automobile" means an automobile that operates solely on alternative fuels; and

(D) the term "dual fueled automobile" means an automobile—

- (i) which is capable of operating on alternative fuel and on gasoline or diesel fuel;
- (ii) which provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Federal Government, while operating on alternative fuel as it does while operating on gasoline or diesel fuel;

(iii) in the case of an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel, which, for model years 1993 through 1995, and, if the Administrator of the Environmental Protection Agency determines that an extension of this clause is warranted, for an additional period ending not later than the end of the last model year for which section 2013(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Federal Government, while operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as it does while operating on gasoline or diesel fuel; and

(iv) which, in the case of passenger automobiles, meets or exceeds the minimum driving range established pursuant to paragraph (2).

(2)(A) For purposes of the definitions in paragraph (1)(D), the Secretary shall, within 18 months after October 14, 1988, establish by rule of general applicability for all manufacturers a minimum driving range which must be met by dual fueled automobiles when operating on alternative fuels, if such automobiles are to be considered dual fueled automobiles under this section. Subject to the provisions of this paragraph, the rule may be amended from time to time. Any determination of whether dual fueled automobiles meet the minimum driving range requirement under this paragraph shall be based on the combined EPA city/highway fuel economy as determined for average fuel economy purposes for such automobiles. The rule issued under this subparagraph shall apply only to dual fueled automobiles that are passenger automobiles.

(B) [See main edition for text of (i)]

(i) If, with respect to dual fueled automobiles other than electric automobiles, the Secretary establishes under subparagraph (A) 200 miles as the generally applicable minimum driving range under this paragraph, clause (i) shall not apply to dual fueled automobiles other than electric automobiles.

(C) Under no circumstances shall the general rule established under subparagraph (A) establish a minimum driving range of less than 200 miles for dual fueled automobiles other than electric automobiles, nor shall the Secretary approve under the procedure referred to in subparagraph (B) a minimum driving range of less than 200 miles for dual fueled automobiles other than electric automobiles.

[See main edition for text of (D)]

(As amended Pub. L. 102-486, title IV, § 403(5), Oct. 24, 1992, 106 Stat. 2876.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-486, § 403(5)(A), substituted “Dedicated” for “Alcohol powered” in heading, “Except as provided in subsection (c) of this section or in section 2003(a)(3) of this title, if” for “If”, “type of dedicated automobile” for “type of alcohol powered automobile”, “content of the alternative fuel” for “content of the alcohol”, and “gallon of a liquid alternative fuel” for “gallon of alcohol”.

Subsec. (b). Pub. L. 102-486, § 403(5)(B), substituted “fueled” for “energy” in heading, “Except as provided in subsection (d) of this section or in section 2003(a)(3) of this title, if” for “If” and “dual fueled automobile” for “dual energy automobile” in introductory provisions, and “alternative fuel” for “alcohol” in par. (2).

Subsec. (c). Pub. L. 102-486, § 403(5)(C), substituted “Gaseous fuel dedicated” for “Natural gas powered” in heading, “gaseous fuel dedicated automobile” for “natural gas powered automobile”, and “gaseous fuel used” for “natural gas used”, and inserted sentence at end relating to determination of appropriate gallons equivalent measurement.

Subsec. (d). Pub. L. 102-486, § 403(5)(D), substituted “Gaseous fuel dual fueled” for “Natural gas dual energy” in heading, “gaseous fuel dual fueled” for “natural gas dual energy” in introductory provisions, and “gaseous fuel” for “natural gas” in par. (2).

Subsec. (e). Pub. L. 102-486, § 403(5)(E), substituted “dedicated automobile or dual fueled automobile” for “alcohol powered automobile, dual energy automobile, natural gas powered automobile, or natural gas dual energy automobile”.

Subsec. (f)(2)(A)(i). Pub. L. 102-486, § 403(5)(F), substituted “alternative fueled automobiles” for “alcohol powered automobiles, natural gas powered automobiles”.

Subsec. (g)(1)(A). Pub. L. 102-486, § 403(5)(G)(i)(I), (II), inserted “, other than electric automobiles,” after “category of automobiles” and substituted “dual fueled automobiles” for “dual energy automobiles and natural gas dual energy automobiles”.

Subsec. (g)(1)(B). Pub. L. 102-486, § 403(5)(G)(i)(III), (IV), inserted “, other than electric automobiles,” after “category of automobiles” and substituted “dual fueled automobiles” for “dual energy automobiles and natural gas dual energy automobiles”.

Subsec. (g)(1)(C). Pub. L. 102-486, § 403(5)(G)(i)(V), (VI), substituted “dual fueled automobiles” for “dual energy automobiles and natural gas dual energy automobiles” in two places and “dual fueled automobile” for “dual energy automobile or natural gas dual energy automobile”.

Subsec. (g)(2). Pub. L. 102-486, § 403(5)(G)(ii), substituted “dual fueled passenger automobiles” for “dual energy passenger automobiles or natural gas dual energy passenger automobiles” in subpar. (A) and “dedicated automobiles” for “alcohol powered automobiles or natural gas powered automobiles” and “dual fueled automobiles” for “dual energy automobiles and natural gas dual energy automobiles” in subpar. (B).

Subsec. (h)(1)(A) to (C). Pub. L. 102-486, § 403(5)(H)(i), (ii), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which defined “alcohol” and “alcohol powered automobiles”, respectively. Former subpar. (C) redesignated (D).

Subsec. (h)(1)(D). Pub. L. 102-486, § 403(5)(H)(i), (iii), redesignated subpar. (C) as (D), in introductory provisions substituted “fueled” for “energy”, in cls. (i) and (ii) substituted “alternative fuel” for “alcohol”, in cl. (iii) inserted “in the case of an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel,” at beginning and substituted “while operating on a mixture of alternative fuel and gasoline” for “while operating on a mixture of alcohol and gasoline”, in cl. (iv) substituted period for semicolon at end, and struck out former subpar. (D) which defined “natural gas dual energy automobile”.

Subsec. (h)(1)(E). Pub. L. 102-486, § 403(5)(H)(i), struck out subpar. (E) which defined “natural gas powered automobile”.

Subsec. (h)(2)(A). Pub. L. 102-486, § 403(5)(I)(i)-(iv), substituted “paragraph (1)(D)” for “paragraphs (1)(C) and (D)”, “dual fueled automobiles when operating on alternative fuels” for “dual energy automobiles when operating on alcohol, and by natural gas dual energy automobiles when operating on natural gas”, “dual fueled automobiles under this section” for “dual energy automobiles or natural gas dual energy auto-



mobiles under this section", "dual fueled automobiles meet" for "dual energy automobiles or natural gas dual energy automobiles meet", and "dual fueled automobiles that are" for "dual energy automobiles and natural gas dual energy automobiles that are".

Subsec. (h)(2)(B)(ii), (C), Pub. L. 102-486, § 403(5)(I)(v), (vi), substituted "dual fueled automobiles other than electric automobiles" for "dual energy automobiles" wherever appearing.

## SUBCHAPTER VI—THEFT PREVENTION

### § 2021. Definitions

For purposes of this subchapter:

(1) The term "passenger motor vehicle" includes any multipurpose passenger vehicle and light-duty truck that is rated at 6,000 pounds gross vehicle weight or less.

[See main edition for text of (2) to (7)]

(8) The term "major replacement part" means any major part—

(A) which is not installed in or on a motor vehicle at the time of its delivery to the first purchaser and the equitable or legal title to which has not been transferred to any first purchaser, or

(B) which is a customized or modified version of an original major part in or on a completed motor vehicle after the manufacture of such vehicle but before the time of its delivery to the first purchaser.

[See main edition for text of (9) and (10)]

(11) The term "chop shop" means any building, lot, facility, or other structure or premise where one or more persons engage in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing any passenger motor vehicle or passenger motor vehicle part which has been unlawfully obtained in order to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number or derivative thereof, of such vehicle or vehicle part and to distribute, sell, or dispose of such vehicle or vehicle part in interstate or foreign commerce.

(As amended Pub. L. 102-519, title III, § 301, Oct. 25, 1992, 106 Stat. 3393.)

#### REFERENCES IN TEXT

Section 2022(d)(1) of this title, referred to in par. (6), was amended generally by Pub. L. 102-519, title III, § 302(1), Oct. 25, 1992, 106 Stat. 3394, and, as so amended, does not contain a subpar. (B).

#### AMENDMENTS

1992—Par. (1). Pub. L. 102-519, § 301(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The term 'passenger motor vehicle' does not include any multipurpose passenger vehicle (including any vehicle commonly known as a 'passenger van')."

Par. (8). Pub. L. 102-519, § 301(c), amended par. (8) generally. Prior to amendment, par. (8) read as follows: "The term 'major replacement part' means any major part—

"(A) which is not installed in or on a motor vehicle at the time of its delivery to the first purchaser, and  
"(B) the equitable or legal title to which has not been transferred to any first purchaser."

Par. (11). Pub. L. 102-519, § 301(b), added par. (11).

### § 2022. Theft prevention standard

[See main edition for text of (a) to (c)]

#### (d) Required identification

(1) In the case of major parts installed by the motor vehicle manufacturer, the standard under this section may not require any part to have more than a single identification.

[See main edition for text of (2); (e)]

#### (f) Promulgation of standard for parts of vehicles not designated as high theft lines

(1) Within 2 years after October 25, 1992, the Secretary shall promulgate a vehicle theft standard which conforms to the requirements of this subchapter and which applies with respect to the covered major parts which are installed by all foreign and domestic manufacturers into passenger motor vehicles (other than light-duty trucks) in not to exceed one-half of the lines not designated under section 2023 of this title as high theft lines. Such rule shall be effective for model years applicable to such passenger motor vehicles as provided in subsection (c)(4) of this section.

(2) Within 3 years after the rule under paragraph (1) is promulgated, the Secretary, based on the Attorney General's finding under paragraph (3), shall designate all the remaining such lines of such passenger motor vehicles (other than light-duty trucks) and apply such standard to such lines in conformance with the requirements of this subchapter. Such rule shall also apply to the major replacement parts for the major parts described in this paragraph. Such rule shall be effective, for model years applicable to such passenger motor vehicles as provided in subsection (c)(4) of this section.

(3) The Attorney General shall make a finding prior to the Secretary's initiation and promulgation of a rule under paragraph (2) that the rule shall be promulgated unless the Attorney General finds, based upon the information collected and analyzed under section 2032 of this title and such other information as the Attorney General may develop (after notice and after a public hearing), that requiring such additional parts marking for all of the applicable passenger motor vehicles would not substantially inhibit chop shop operations and vehicle thefts. The Attorney General shall also take into account as part of the record additional costs, effectiveness, competition, and available alternatives factors. The Attorney General shall transmit the finding and the record upon which the finding is based to the Secretary. Such finding and record shall be a part of the Secretary's rulemaking record.

(4) The Attorney General of the United States shall by December 31, 1999, determine, after notice and a public hearing, whether one or both rules promulgated under this subsection have been an effective means to substantially inhibit the operation of chop shops and vehicle theft, taking into account the additional cost, competition, and available alternatives. The Attorney General shall base his determination on information collected and analyzed under section 2032 of this title, the 3-year and



5-year reports issued by the Secretary under this subchapter, and such other information as he may develop and include in the public record. He shall take into consideration the effectiveness, extent of use, and the extent to which civil and criminal penalties under section 2027(b)<sup>1</sup> of this title and section 2322 of title 18 regarding chop shops have been effective in substantially inhibiting chop shop operations and vehicle theft. The Attorney General shall promptly transmit his finding to the Secretary. If the determination is that one or both rules have not been an effective means to substantially inhibit chop shop operation and vehicle theft, the Secretary shall within 180 days after receipt of such finding terminate by order 1 or both of the rules promulgated under this subsection effective the next model year following the issuance of such order.

(5) The Attorney General shall make a separate determination by December 31, 1999, after notice and a public hearing, as to whether the antitheft devices for which an exemption under section 2025 of this title is authorized are an effective substitute for parts marking in substantially inhibiting vehicle theft, taking into account the additional cost, competition, and available alternatives. If the Attorney General determines that such antitheft devices are an effective substitute for parts marking in substantially inhibiting vehicle theft, the Secretary shall continue to grant exemptions under section 2025 of this title at the level authorized prior to October 25, 1992, or at the level authorized for model year 2000, as determined by the Attorney General. Nothing in this paragraph affects exemptions granted in model year 2000 or earlier to any manufacturer.

(6) The Secretary and the Attorney General shall keep the appropriate legislative committees of Congress with jurisdiction over this chapter and section 2322 of title 18 informed about the actions taken or planned under this subsection.

**(g) Periodic redetermination of median theft rate**

The Secretary is authorized to periodically redetermine and establish by rule the median theft rate under subsection (a)(1) of this section, but not more than every 2 years.

(As amended Pub. L. 102-519, title III, §§ 302, 306(a), Oct. 25, 1992, 106 Stat. 3394, 3397.)

**AMENDMENTS**

1992—Subsec. (d)(1). Pub. L. 102-519, § 302(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "In the case of major parts installed by the motor vehicle manufacturer, the standard under this section may not require—

"(A) any part to have more than a single identification, and

"(B) any motor vehicle to have identification of more than 14 of its major parts."

Subsec. (e). Pub. L. 102-519, § 306(a), made technical amendment to reference to section 2032 of this title to reflect renumbering of corresponding section of original act.

Subsecs. (f), (g). Pub. L. 102-519, § 302(2), added subsecs. (f) and (g).

**EFFECTIVE DATE OF 1992 AMENDMENT**

Amendment by section 306(a) of Pub. L. 102-519 effective within three months after regulations required by section 2026a(b) of this title are promulgated, but not before the system in section 2026c of this title is operational, see section 306(b) of Pub. L. 102-519, set out as an Effective Date note under section 2026a of this title.

**§ 2023. Designation of high theft vehicle lines and parts**

**(a) Categories**

(1) For purposes of the standard under section 2022 of this title, the following motor vehicle lines are high theft lines:

(A) passenger motor vehicles of any line which is determined under subsection (b) of this section to have had a new passenger motor vehicle theft rate in the 2 calendar years immediately preceding 1992 which exceeds the median theft rate for all new passenger motor vehicle thefts in such 2-year period;

[See main edition for text of (B) and (C), (2)]

(3) The Secretary shall prescribe reasonable procedures designed to assure that, to the maximum extent practicable, any selection under paragraph (2) is made at least 6 months before the first applicable model year beginning after such selection.

(4) A manufacturer shall not be required to begin to comply with the standard pursuant to any selection made under paragraph (2) for a model year beginning earlier than 6 months after the date of selection.

(5) Any motor vehicle line subject, on October 25, 1992, to parts marking requirements under section 2022 of this title and this section shall continue to be subject to such requirements unless such motor vehicle line becomes exempt from such requirements under section 2025 of this title.

**(h) Determination of theft rate**

[See main edition for text of (1) to (3)]

(4) As used in this section, the term "new passenger motor vehicle thefts", when used with respect to any calendar year, refers to those thefts in the United States in such year which are of passenger motor vehicles with the same model-year designation as that calendar year.

[See main edition for text of (c) and (d)]

(As amended Pub. L. 102-519, title III, § 303, Oct. 25, 1992, 106 Stat. 3395.)

**AMENDMENTS**

1992—Subsec. (a)(1)(A). Pub. L. 102-519, § 303(1), substituted "1992" for "the year in which the final standard is promulgated".

Subsec. (a)(3). Pub. L. 102-519, § 303(2), (3), redesignated par. (4) as (3), substituted "paragraph (2)" for "paragraph (2) or (3)", and struck out former par. (3) which read as follows: "Notwithstanding paragraph (1), of those passenger motor vehicle lines initially introduced by a manufacturer into commerce in the United States before the effective date of the standard, no more than 14 of the lines of any manufacturer shall be selected as high theft lines under paragraph

<sup>1</sup> So in original. Probably should be section "2027(c)".

(1)(A) and (B). Any such selection shall be made under paragraph (2) within one year after October 25, 1984."

Subsec. (a)(4). Pub. L. 102-519, § 303(2), (3), redesignated par. (5) as (4) and substituted "paragraph (2)" for "paragraph (2) or (3)". Former par. (4) redesignated (3).

Subsec. (a)(5). Pub. L. 102-519, § 303(4), added par. (5). Former par. (5) redesignated (4).

Subsec. (b)(4), (5). Pub. L. 102-519, § 303(5), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: "In calculating the median theft rate, the Secretary shall take into account the theft rate of lines which are exempted by reason of the 14-line limitation in subsection (a)(3) of this section."

## § 2025. Exemption for vehicles equipped with anti-theft devices

### (a) Grounds

[See main edition for text of (1)]

(2) For the initial model year to which such standard applies, the Secretary may not grant an exemption for more than 2 lines of any manufacturer. For each subsequent model year through model year 1996, the Secretary may grant exemption for not more than 2 additional lines of any manufacturer, and such exemption shall not affect the validity of the exemption of any line previously exempted under this paragraph. For model year 1997 through model year 2000, the Secretary may grant such an exemption for not more than 1 additional line of any manufacturer and such exemption shall not affect the validity of the exemption of any line previously exempted under this paragraph. For model years subsequent to 2000, the number of lines for which the Secretary may grant such an exemption (if any) shall be determined by the Attorney General under section 2022(f)(5) of this title.

[See main edition for text of (3); (b) to (e)]

(As amended Pub. L. 102-519, title III, § 304, Oct. 25, 1992, 106 Stat. 3396.)

### AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-519 inserted "through model year 1996" after "model year" in second sentence and inserted at end "For model year 1997 through model year 2000, the Secretary may grant such an exemption for not more than 1 additional line of any manufacturer and such exemption shall not affect the validity of the exemption of any line previously exempted under this paragraph. For model years subsequent to 2000, the number of lines for which the Secretary may grant such an exemption (if any) shall be determined by the Attorney General under section 2022(f)(5) of this title."

## § 2026a. Verification of vehicle as legal salvage or junk vehicle

(a) Any person engaged in business as an insurance carrier to sell comprehensive insurance coverage for motor vehicles shall, if such carrier obtains possession of and transfers a junk motor vehicle or a salvage motor vehicle—

(1) verify, in accordance with procedures established by rule under section 2026c of this title by the Attorney General and in consultation with the Secretary of Transportation, whether that motor vehicle is reported as stolen, and

(2) provide verification to whomever such carrier transfers or sells any such salvage or junk motor vehicle identifying the vehicle identification number or derivative thereof of such vehicle and verifying that such vehicle has not been reported as stolen or, if reported as stolen, that such insurance carrier has recovered the vehicle and has proper legal title to the vehicle.

For purposes of paragraph (2), the term "vehicle identification number" means a unique identification number assigned to a passenger motor vehicle by a manufacturer in compliance with applicable regulations or a derivative thereof. Nothing in this paragraph shall be construed to prohibit such carrier from transferring a motor vehicle if, within a reasonable period of time during normal business operations (as determined by the Attorney General under section 2026c of this title) using reasonable efforts, such carrier has not received a determination under section 2026c of this title that the vehicle has not been reported as stolen or to otherwise determine whether such vehicle has been reported as stolen, except that such carrier shall provide a written certification of such lack of determination.

(b) The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are needed to ensure that verification performed and provided by insurance carriers under subsection (a)(2) of this section is uniform, effective, and resistant to fraudulent use.

(Pub. L. 92-513, title VI, § 607, as added Pub. L. 102-519, title III, § 306(a), Oct. 25, 1992, 106 Stat. 3397.)

### PRIOR PROVISIONS

A prior section 607 of Pub. L. 92-513 was renumbered section 610 and is classified to section 2027 of this title.

### EFFECTIVE DATE

Section 306(b) of Pub. L. 102-519 provided that: "The regulations required by section 607(b) of the Motor Vehicle Information and Cost Savings Act [subsec. (b) of this section] shall be promulgated within 6 months after the date of the enactment of this subsection [Oct. 25, 1992]. The amendment made by subsection (a) [enacting this section and amending section 2022 of this title] shall take effect within 3 months after such regulations are promulgated, but not before the system in section 609 of the Motor Vehicle Information and Cost Savings Act [15 U.S.C. 2026c] is operational."

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2026b, 2026c, 2044 of this title.

## § 2026b. Parts

### (a) Verification of major parts

No person engaged in the business of salvaging, dismantling, recycling, or repairing passenger motor vehicles shall knowingly sell or distribute in commerce or transfer or install a major part marked with an identification number without—

(1) first determining, through a procedure established by rule by the Attorney General

in consultation with the Secretary of Transportation under section 2026c of this title that such major part has not been reported as stolen; and

(2) providing the purchaser or transferee with a verification identifying the vehicle identification number or derivative thereof of such major part, and verifying that such major part has not been reported as stolen.

**(b) Regulations**

The Attorney General, in consultation with the Secretary of Transportation, shall promulgate such regulations as are needed to ensure that verifications provided by persons under subsection (a)(2) of this section are uniform, effective, and resistant to fraudulent use.

**(c) Exception**

Subsection (a) of this section shall not apply to a person who is the manufacturer of the major part, who has purchased the major part directly from the manufacturer, who has received a verification from an insurance carrier pursuant to section 2026a of this title that the motor vehicle from which such major part is derived has not been reported as stolen, or that such carrier has failed, in accordance with section 2026a of this title, to determine whether such vehicle has been stolen. Such person shall be required to provide such verification to any person to whom such vehicle, or any major part of such vehicle, is thereafter transferred or sold in commerce. The Attorney General shall promulgate regulations to implement this section.

(Pub. L. 92-513, title VI, § 608, as added Pub. L. 102-519, title III, § 306(c), Oct. 25, 1992, 106 Stat. 3397.)

**PRIOR PROVISIONS**

A prior section 608 of Pub. L. 92-513 was renumbered section 611 and is classified to section 2028 of this title.

**EFFECTIVE DATE**

Section 306(d) of Pub. L. 102-519 provided that: "The amendment made by subsection (c) [enacting this section] shall be effective on the date that the system required by section 609 [15 U.S.C. 2026c] is established."

**§ 2026c. National Stolen Auto Part Information System**

**(a) Establishment**

The Attorney General shall, within 9 months of October 25, 1992, maintain in the National Crime Information Center an information system containing the identification numbers of stolen passenger motor vehicles and stolen passenger motor vehicle parts. The Attorney General shall also consult with State and local law enforcement agencies in the establishment of such system. The Attorney General shall also consult with the National Crime Information Center Policy Advisory Board to ensure the security of the information in such system and that such system will not compromise the security of stolen vehicle and vehicle parts information in such information system.

**(b) Determination as to whether part is listed as stolen**

The Attorney General shall specify procedures by rule by which individuals or entities seeking to transfer a vehicle or vehicle parts may obtain a determination whether a part is listed in the system as stolen. If the Attorney General determines that the National Crime Information Center is not able to perform the functions of the information system required under subsection (a) of this section, the Attorney General shall enter into an agreement for the operation of such a system separate from the National Crime Information Center.

**(c) Information to be included within system**

The information system under subsection (a) of this section shall, at a minimum, include the following information pertaining to each passenger motor vehicle reported to a law enforcement authority as stolen and not recovered:

(1) The vehicle identification number of such passenger motor vehicle.

(2) The make and model year of such passenger motor vehicle.

(3) The date on which the passenger motor vehicle was reported as stolen.

(4) The location of the law enforcement authority that received the reports of the passenger motor vehicle's theft.

(5) If the passenger motor vehicle at the time of its theft contained parts bearing identification numbers or the derivative thereof different from the vehicle identification number of the stolen passenger motor vehicle, the identification numbers of such parts.

**(d) Advisory committee**

**(1) In general**

The National Stolen Auto Part Information System to be maintained under subsection (a) of this section is to be developed by the Attorney General with the advice and recommendation of the advisory committee established under paragraph (2).

**(2) Establishment**

Not later than 60 days after October 25, 1992, the Attorney General shall establish in the Department of Justice and appoint an advisory committee with respect to the National Stolen Auto Part Information System to be maintained under subsection (a) of this section.

**(3) Membership**

The advisory committee established under paragraph (2) shall be composed of 10 members as follows:

(A) The Attorney General shall serve as the chairperson of the advisory committee.

(B) The Secretary of Transportation.

(C) One individual appointed by the Attorney General who is qualified to represent the interests of the law enforcement community at the State level.

(D) One individual appointed by the Attorney General who is qualified to represent the interests of the law enforcement community at the local level.

(E) One individual appointed by the Attorney General who is qualified to represent the interests of the automotive recycling industry.

(F) One individual appointed by the Attorney General who is qualified to represent the interests of the automotive repair industry.

(G) One individual appointed by the Attorney General who is qualified to represent the interests of the automotive rebuilders industry.

(H) One individual appointed by the Attorney General who is qualified to represent the interests of the automotive parts suppliers industry.

(I) One individual appointed by the Attorney General who is qualified to represent the interests of the insurance industry.

(J) One individual appointed by the Attorney General who is qualified to represent the interests of consumers.

#### (4) Duties

The advisory committee established under paragraph (2) shall make recommendations regarding—

(A) the development and implementation of the National Stolen Auto Part Information System, and

(B) the development and implementation of a verification system as required by section 2026a of this title.

#### (5) Report

Not later than 6 months after October 25, 1992, the advisory committee established under paragraph (2) shall submit to the Attorney General, the Secretary of Transportation, and the Congress a report containing the committee's recommendations.

#### (e) Requests for information

Upon request by an insurance carrier, a person lawfully selling or distributing in interstate commerce passenger motor vehicle parts, or an individual or enterprise engaged in the business of repairing passenger motor vehicles, the Attorney General, or the entity or entities designated by the Attorney General, shall immediately provide such insurance carrier or person with a determination as to whether the information system under subsection (a) of this section contains a record of an<sup>1</sup> passenger motor vehicle or a passenger motor vehicle part bearing a particular vehicle identification number or derivative thereof having been reported stolen. The Attorney General may require such verification as the Attorney General deems appropriate to ensure that the request is legitimate and will not compromise the security of the system.

#### (f) Authorization of appropriations; effectiveness of system

There are authorized to be appropriated such sums as may be necessary to carry out this section. The information system established under subsection (a) of this section shall be effective as provided in the rules promulgated by the Attorney General.

(Pub. L. 92-513, title VI, § 609, as added Pub. L. 102-519, title III, § 306(e), Oct. 25, 1992, 106 Stat. 3398.)

#### CODIFICATION

October 25, 1992, referred to in subsec. (d)(2), was in the original "the date of the enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 102-519, which enacted this section, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 609 of Pub. L. 92-513 was renumbered section 612 and is classified to section 2029 of this title.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided for by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2026a, 2026b of this title.

#### § 2027. Prohibited acts

##### (a) Categories

No person shall—

[See main edition for text of (1)]

(2) fail to comply with any rule prescribed by the Secretary or Attorney General under this subchapter;

[See main edition for text of (3) and (4); (b)]

##### (c) Chop shops

(1) It shall be unlawful for any person to knowingly own, operate, maintain, or control a chop shop or conduct operations in a chop shop of any kind or transport by any means any passenger motor vehicle or passenger motor vehicle part to or from a chop shop.

(2) The Secretary shall, as appropriate and in consultation with the Attorney General, in the case of any person who violates paragraph (1), commence a civil action for permanent or temporary injunction to restrain such violation or the Secretary shall assess and recover a civil penalty of not more than \$100,000 per day for each such violation, or both.

(Pub. L. 92-513, title VI, § 610, formerly § 607, as added Pub. L. 98-547, title I, § 101(a), Oct. 25, 1984, 98 Stat. 2761; renumbered § 610 and amended Pub. L. 102-519, title III, §§ 305, 306(a), Oct. 25, 1992, 106 Stat. 3396, 3397.)

#### PRIOR PROVISIONS

A prior section 610 of Pub. L. 92-513 was renumbered section 613 and is classified to section 2030 of this title.

<sup>1</sup> So in original. Probably should be "a".

## AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-519, § 305(a), insert—  
ed “or Attorney General” after “Secretary”.

Subsec. (c). Pub. L. 102-519, § 305(b), added subsec.  
(c).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2022, 2028 of  
this title.

§ 2028. Enforcement provisions; maximum penalties;  
injunctive relief

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 611, formerly § 608,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2762; renumbered § 611, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

## REFERENCES IN TEXT

Section 2027(a) of this title, referred to in subsec.  
(a)(1), was in the original a reference to section 607(a),  
meaning section 607(a) of the Motor Vehicle Informa-  
tion and Cost Savings Act, Pub. L. 92-513. Section 607  
of that Act was renumbered section 610 by Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106 Stat. 3397.  
A new section 607 of the Motor Vehicle Information  
and Cost Savings Act is classified to section 2028a of  
this title.

## PRIOR PROVISIONS

A prior section 611 of Pub. L. 92-513 was renum-  
bered section 614 and is classified to section 2031 of  
this title.

§ 2029. Confidentiality of information

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 612, formerly § 609,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2763; renumbered § 612, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

## REFERENCES IN TEXT

Section 2023(a)(3) of this title, referred to in text,  
which related to limitations on the selection of previ-  
ously introduced motor vehicles as high theft lines,  
was repealed and section 2023(a)(4) was redesignated  
section 2023(a)(3) by Pub. L. 102-519, title III, § 303(2),  
Oct. 25, 1992, 106 Stat. 3396.

## PRIOR PROVISIONS

A prior section 612 of Pub. L. 92-513 was renum-  
bered section 615 and is classified to section 2032 of  
this title.

§ 2030. Judicial review

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 613, formerly § 610,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2763; renumbered § 613, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

## PRIOR PROVISIONS

A prior section 613 of Pub. L. 92-513 was renum-  
bered section 616 and is classified to section 2033 of  
this title.

§ 2031. Coordination with State and local law

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 614, formerly § 611,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2763; renumbered § 614, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

## PRIOR PROVISIONS

A prior section 614 of Pub. L. 92-513 was renum-  
bered section 617 and is classified to section 2034 of  
this title.

§ 2032. Insurance reports and information

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 615, formerly § 612,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2763; renumbered § 615, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

§ 2033. Voluntary vehicle identification standards

*[See main edition for text]*

(Pub. L. 92-513, title VI, § 616, formerly § 613,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2765; renumbered § 616, Pub. L.  
102-519, title III, § 306(a), Oct. 25, 1992, 106  
Stat. 3397.)

§ 2034. Three-year and five-year studies regarding  
motor vehicle theft

(a) Three-year report

(1) Not later than 3 years after October 25,  
1992, the Secretary shall submit a report to the  
Congress which includes the information and  
legislative recommendations required under  
paragraphs (2) and (3).

*[See main edition for text of (2) and (3)]*

(b) Five-year report

(1) Not later than 5 years after October 25,  
1992, the Secretary shall submit a report to the  
Congress which includes the information and  
legislative recommendations required under  
paragraphs (2) and (3).

*[See main edition for text of (2) and (3); (c)]*

(Pub. L. 92-513, title VI, § 617, formerly § 614,  
as added Pub. L. 98-547, title I, § 101(a), Oct. 25,  
1984, 98 Stat. 2765; renumbered § 617 and  
amended Pub. L. 102-519, title III, § 306(a),  
(e)(f), Oct. 25, 1992, 106 Stat. 3397, 3400.)

## AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-519 substituted  
“1992” for “1984”.

Subsec. (b)(1). Pub. L. 102-519 substituted “October  
25, 1992” for “the promulgation of the standard re-  
quired by this subchapter”.

## CHAPTER 46A—AUTOMOBILE TITLE FRAUD

Sec.

2041. Definitions.

2042. National Motor Vehicle Title Information  
System.

(a) Information system.

(b) Minimum functional capabilities.

(c) Availability of information.